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8 Attorney for Plaintiff
UNITED STATES OF AMERICA

9
10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 UNITED STATES OF AMERICA,) Case No. SA CR 05-36-JVS
14 Plaintiff,)
15 v.) GOVERNMENT'S DECLARATION
KENNETH KETNER,) CONCERNING PRODUCTION OF
16 Defendant.) DISCOVERY; DECLARATION OF BRENT
17) G. TABACCHI
18)
19)
20)

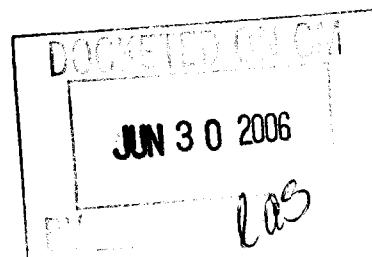
21 Plaintiff United States of America, by and through its
22 counsel of record, the United States Attorney's Office for the
23 Central District of California, hereby submits this Declaration
24 Concerning Production of Discovery in the above-referenced case.

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1 The United States represents that the government has
2 produced to defendant all discoverable materials within its
3 possession, custody, or control, including materials whose
4 disclosure is governed by the Jencks Act, 18 U.S.C. § 3500. (See
5 Declaration of Brent G. Tabacchi ¶ 2). As part of this
6 production, on May 1, 2006, the United States made available to
7 defendant two CDs containing: (1) deeds documenting the transfer
8 of the "purple file properties"; and (2) records from the
9 original case agent's files, including bank records from LaSalle
10 Bank. (See id. ¶ 3). Defendant sent a messenger to obtain these
11 materials from the United States on May 3, 2006. (See id. ¶ 4).
12 In addition, during late May 2006, the United States voluntarily
13 produced to defendant Jencks materials in this case. (See id. ¶
14 5).

15 If the United States obtains additional discoverable
16 materials from witnesses during trial preparation, the government
17 will promptly produce these materials to defendant pursuant to
18 Federal Rule of Criminal Procedure 16(c). (See id. ¶ 6).

19 DATED: June 26, 2006

Respectfully submitted,

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21 DEBRA WONG YANG
United States Attorney

22 WAYNE R. GROSS
23 Assistant United States Attorney
Chief, Santa Ana Branch

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25 BRENT G. TABACCHI
Assistant United States Attorney

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27 Attorneys for Plaintiff
United States of America
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DECLARATION OF BRENT G. TABACCHI

I, Brent G. Tabacchi, hereby declare as follows:

1. I am an Assistant United States Attorney for the Central District of California. In that capacity, I represent the government in United States v. Ketner, No. CR 05-36-JVS.

2. Based on my review of the files and records in this case, the United States has produced to defendant all discoverable materials concerning this case that are within the government's possession, custody, or control, including materials whose disclosure is governed by the Jencks Act, 18 U.S.C. § 3500.

3. As part of this production, on May 1, 2006, the United States made available to defendant two CDs containing: (1) deeds documenting the transfer of the "purple file properties"; and (2) records from the original case agent's files, including bank records from LaSalle Bank. The United States obtained copies of the deeds during April 2006. As part of trial preparation in this matter, I became aware of the agent's case files and the bank records located with those files during late April 2006.

4. On May 3, 2006, defense counsel retrieved these two CDs from the United States.

5. During late May 2006, the United States voluntarily provided to defendant Jencks material in this case.

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6. If the United States obtains additional discoverable materials from witnesses during trial preparation, the government will promptly produce these materials to defendant pursuant to Federal Rule of Criminal Procedure 16(c).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 26, 2006, in Santa Ana, California.

Brent G. Tabacchi
BRENT G. TABACCHI

CERTIFICATE OF SERVICE BY MAIL

I, **Linda Lewis**, declare:

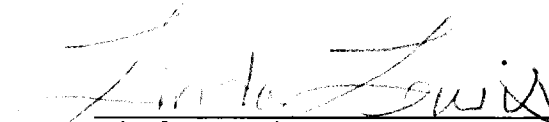
That I am a citizen of the United States and resident or employed in Orange County, California; that my business address is Office of United States Attorney, 411 West Fourth Street, Eighth Floor, Santa Ana, California 92701-4599; that I am over the age of eighteen years, and am not a party to the above-entitled action; that I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on **June 26, 2006**, I deposited in the United States mail, Santa Ana, California in the above-entitled action, in an envelope bearing the requisite postage, a copy of: **GOVERNMENT'S DECLARATION CONCERNING PRODUCTION OF DISCOVERY; DECLARATION OF BRENT G. TABACCHI**

addressed to: Benjamin Gluck
Bird Marella
1875 Century Park East
23rd Floor
Los Angeles, CA 90067

at his/her last known address, at which place there is delivery service by United States mail.

This Certificate is executed on **June 26, 2006** at Santa Ana, California.

I certify under penalty of perjury that the foregoing is true and correct.


Linda Lewis